

STATE OF SOUTH CAROLINA

(Caption of Case)

IN RE:

Happy Rabbit, LP on Behalf of,

Windridge Townhomes, Complainant,

v.

Alpine Utilities, Inc., Respondent

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2008 - 360 - S

(Please type or print)

Submitted by: Richard L. Whitt

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DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

Other: Routine

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit of Publication	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certifica
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigat
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certification of Mailing	<input type="checkbox"/> Petition for Rulemaking	<input checked="" type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discove
<input checked="" type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Return	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

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April 3, 2009

VIA ELECTRONIC FILING

The Honorable Charles L. A. Terreni
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

Re: • Happy Rabbit, a South Carolina Limited Partnership on behalf of Windridge Townhomes, (hereinafter, "Happy Rabbit") v. Alpine Utilities, Inc.; Docket No. 2008-360-S
 • **Response to Alpine Utilities, Inc.'s Motion for Protective Order**

Dear Mr. Terreni:

Please treat this correspondence as Happy Rabbit's, response to Alpine Utilities, Inc., (hereinafter, "Alpine") Motion for Protective Order filed with this Commission yesterday.

Alpine's counsel now seeks relief from responding to Happy Rabbit's pending Discovery from March 23 and March 24, 2009. Alpine's counsel seeks to unilaterally, "freeze" this Docket after they have completed their Discovery. Alpine's counsel has already filed considerable Discovery in this Docket including, a First Set of Interrogatories, a First Set of Requests for Production, a Second Set of Interrogatories, a Second Set of Request for Production, and a First Set of Request for Admissions. Happy Rabbit responded to all these Discovery requests.

For the record, Alpine filed all five Discovery requests denominated hereinabove after this Commission issued its Order No. 2008-854 on January 8, 2009. The Commission's Order ruled that Alpine's pending Motion would be heard at the beginning of the hearing to be held in this matter. Alpine's counsel temporarily acquiesced to this Commission's Order. (Alpine's counsel did not ask for reconsideration of the Commission's Order, and did not appeal the Commission's Order No. 2008-854 and that Order is the law of this case.) However, Alpine's counsel has thereafter, repeatedly sought to, by way of correspondence, e-mails to the Hearing

Officer, or Motion to have this Commission disregard its own Order and hear Alpine's pending Motion immediately. Having failed to secure that relief, Alpine's counsel now seeks to find a way around the Commission's Order by filing a Motion for Protective Order to "freeze" the Docket until the hearing.

It is not surprising that Alpine seeks to avoid answering Happy Rabbit's pending Discovery requests. Alpine sought to avoid answering previous, important Discovery requests, until ordered to do so by the Hearing Officer. Previous Happy Rabbit Discovery requests have revealed, *inter alia*, that Alpine acknowledges that it was contacted by Mr. Cook on October 6, 2003, relevant to § 27-33-50, S.C. Code Ann. (1976, as amended) and Alpine has *de facto* acknowledged that **fifty-eight** other entities are similarly situated as Happy Rabbit in their customer relationship with Alpine. Happy Rabbit's pending Discovery requests are important and Happy Rabbit deserves the same opportunity to complete its Discovery as Alpine enjoyed in this Docket, and Alpine should answer the pending Discovery requests as a matter of course.

In conclusion, there is no legitimate reason to allow Alpine to unilaterally end Discovery in this Docket, giving due deference to this Commission's Order No. 2008-854. Accordingly, Alpine's Motion for Protective Order should be denied.

Respectfully submitted,

_____/s/_____
Richard L. Whitt
Jefferson D. Griffith, III

Counsel of Record for Carolyn L. Cook
and Happy Rabbit, a South Carolina
Limited Partnership on behalf of Windridge
Townhomes

RLW/jjy

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2008-360-S**

IN RE:

Happy Rabbit, LP on Behalf of,
Windridge Townhomes,

Complainant,

v.

Alpine Utilities, Inc.,

Respondent

CERTIFICATE OF SERVICE

I, Jessica Yun, an employee of Austin & Rogers, P.A., certify that I mailed a copy of Happy Rabbit's Correspondence to Charles L.A. Terreni in the above referenced matter as indicated below, via U.S. Mails as addressed below, with proper postage affixed thereto, or e-mail on April 3, 2009.

Attorney Benjamin P. Mustian
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Columbia S.C., 29202-8416
Via U.S. Mail and Via e-mail

Nanette S. Edwards, Esquire
Via e-mail

Austin & Rogers, P.A.

/S/
Jessica Yun

Columbia, South Carolina
April 3, 2009